

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|--------------------------------|
| DWAYNE GRANTON, | : | No. 3:15cv904 |
| Plaintiff | : | |
| | : | (Judge Munley) |
| v. | : | |
| | : | (Magistrate Judge Cohn) |
| NANCY A. BERRYHILL,¹ | : | |
| Acting Commissioner of the Social | : | |
| Security Administration, | : | |
| Defendant | : | |

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ORDER

AND NOW, to wit, this 28th day of April 2017, it is **HEREBY**

ORDERED as follows:

1. Plaintiff's objections to the report and recommendation of Magistrate Judge Cohn (Doc. 23) are **OVERRULED**;
2. The report and recommendation of Magistrate Judge Cohn (Doc. 22) is **ADOPTED**;

¹ When plaintiff filed this action, Carolyn W. Colvin was the Commissioner of Social Security. Accordingly, plaintiff named her as the defendant in her official capacity. Since then, however, Colvin left her position as Commissioner. Nancy A. Berryhill became the Acting Commissioner of Social Security on February 14, 2013. See OFFICIAL SOCIAL SECURITY WEBSITE, <http://blog.ssa.gov/meet-our-new-acting-commissioner/> (last accessed March 24, 2017).

Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for Carolyn W. Colvin as the defendant in this suit. FED. R. CIV. P. 25(d) ("An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party.")

3. Plaintiff's appeal of the Commissioner of Social Security's decision denying plaintiff's application for supplemental security income is **DENIED**;
4. The Clerk of Court is directed to enter judgment in favor of Defendant and against Plaintiff; and
5. The Clerk of Court is directed to close this case.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court